

Introduced by Senator Speier

February 22, 2005

An act to amend Section 15250 of the Vehicle Code, relating to school.

LEGISLATIVE COUNSEL'S DIGEST

SB 924, as introduced, Speier. Commercial driver's license: driving test.

(1) Existing law prohibits a person from operating a commercial motor vehicle unless that person has a valid commercial driver's license of the appropriate class. A person may not be issued a commercial driver's license unless that person passes a written and driving test for the operation of a commercial motor vehicle that complies with federal law.

This bill would prohibit the administrator of the driving part of the examination from passing the person taking that test unless that person actually demonstrates driving skills that are consistent with the requirements of federal regulations.

Because a violation of the Vehicle Code is currently a crime, this bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 15250 of the Vehicle Code is amended to read:

15250. (a) (1) A person may not operate a commercial motor vehicle unless that person has in his or her immediate possession a valid commercial driver's license of the appropriate class.

(2) A person may not operate a commercial motor vehicle while transporting hazardous materials unless that person has in his or her possession a valid commercial driver's license with a hazardous materials endorsement. An instruction permit does not authorize the operation of a vehicle transporting hazardous materials.

(b) (1) Before an application for an original or renewal of a commercial driver's license with a hazardous materials endorsement is submitted to the United States Transportation Security Administration for the processing of a security threat assessment, as required under Part 1572 of Title 49 of the Code of Federal Regulations, the department shall complete a check of the applicant's driving record to ensure that the person is not subject to a disqualification under Part 383.51 of Title 49 of the Code of Federal Regulations.

(2) A person may not be issued a commercial driver's license until he or she has passed a written and driving test for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the federal Commercial Motor Vehicle Safety Act of 1986 (P.L. 99-570) and Part 383 of Title 49 of the Code of Federal Regulations, and has satisfied all other requirements of that act as well as any other requirements imposed by this code.

(c) The tests shall be prescribed and conducted by or under the direction of the department. The department may allow a third-party tester to administer the driving test part of the examination required under this section and Section 15275 if all of the following conditions are met:

(1) The tests given by the third party are the same as those that would otherwise be given by the department.

(2) The third party has an agreement with the department including, but not limited to, the following provisions:

1 (A) Authorization for the United States Secretary of
2 Transportation, or his or her representative, and the department,
3 or its representative, to conduct random examinations,
4 inspections, and audits without prior notice.

5 (B) Permission for the department, or its representative, to
6 conduct onsite inspections at least annually.

7 (C) A requirement that all third-party testers meet the same
8 qualification and training standards as the department's
9 examiners, to the extent necessary to conduct the driving skill
10 tests in compliance with the requirements of Part 383 of Title 49
11 of the Code of Federal Regulations.

12 (D) The department may cancel, suspend, or revoke the
13 agreement with a third-party tester if the third-party tester fails to
14 comply with the standards for the commercial driver's license
15 testing program, or with any other term of the third-party
16 agreement, upon 15 days prior written notice of the action to
17 cancel, suspend, or revoke the agreement by the department to
18 the third party. Any action to appeal or review any order of the
19 department canceling, suspending, or revoking a third-party
20 testing agreement shall be brought in a court of competent
21 jurisdiction under Section 1085 of the Code of Civil Procedure,
22 or as otherwise permitted by the laws of this state. The action
23 shall be commenced within 90 days from the effective date of the
24 order.

25 (E) Any third-party tester whose agreement has been canceled
26 pursuant to subparagraph (D) may immediately apply for a
27 third-party testing agreement.

28 (F) A suspension of a third-party testing agreement pursuant to
29 subparagraph (D) shall be for a term of less than 12 months as
30 determined by the department. After the period of suspension, the
31 agreement shall be reinstated upon request of the third-party
32 tester.

33 (G) A revocation of a third-party testing agreement pursuant to
34 subparagraph (D) shall be for a term of not less than one year. A
35 third-party tester may apply for a new third-party testing
36 agreement after the period of revocation and upon submission of
37 proof of correction of the circumstances causing the revocation.

38 (H) Authorization for the department to charge the third-party
39 tester a fee, as determined by the department, which is sufficient
40 to defray the actual costs incurred by the department for

1 administering and evaluating the third-party testing program, and
2 for carrying out any other activities deemed necessary by the
3 department to ensure sufficient training for the drivers
4 participating in the program.

5 (3) Except as provided in Section 15250.3, the tests given by
6 the third party shall not be accepted in lieu of tests prescribed and
7 conducted by the department for applicants for a passenger
8 vehicle endorsement specified in paragraph (2) of subdivision (a)
9 of Section 15278, if the applicant operates or will operate a tour
10 bus.

11 (d) Commercial driver's license applicants who take and pass
12 driving tests administered by a third party shall provide the
13 department with certificates of driving skill satisfactory to the
14 department that the applicant has successfully passed the driving
15 tests administered by the third party.

16 (e) Implementation dates for the issuance of a commercial
17 driver's license pursuant to this chapter may be established by
18 the department as it determines is necessary to accomplish an
19 orderly commercial driver's license program.

20 (f) *The administrator of the driving part of the examination*
21 *required under this section, including, but not limited to, a third*
22 *party tester shall not pass the person taking that test unless that*
23 *person actually demonstrates driving skills that are consistent*
24 *with the safe driving skill requirements for the vehicle group the*
25 *person expects to operate as set forth in Part 383 of Title 49 of*
26 *Code of Federal Regulation.*

27 SEC. 2. No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution because
29 the only costs that may be incurred by a local agency or school
30 district will be incurred because this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the
32 penalty for a crime or infraction, within the meaning of Section
33 17556 of the Government Code, or changes the definition of a
34 crime within the meaning of Section 6 of Article XIII B of the
35 California Constitution.